



Reprinted
February 22, 2017

HOUSE BILL No. 1104

DIGEST OF HB 1104 (Updated February 21, 2017 11:06 am - DI 124)

Citations Affected: IC 35-31.5; IC 35-43.

Synopsis: Adulterant and synthetic urine ban. Defines the term "adulterant". Defines the term "synthetic urine". Provides that the knowing or intentional distribution, sale, delivery, or financing of a delivery of an adulterant is a misdemeanor offense. Provides that the knowing or intentional distribution, sale, delivery, or financing of a delivery of synthetic urine is a misdemeanor offense. Specifies that evidence of intent to defraud an alcohol, drug, or urine screening test is not limited to certain occurrences enumerated by statute.

Effective: July 1, 2017.

Beumer, Errington, Ziemke

January 12, 2017, read first time and referred to Committee on Courts and Criminal Code.
February 16, 2017, amended, reported — Do Pass.
February 21, 2017, read second time, amended, ordered engrossed.

HB 1104—LS 6593/DI 123



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First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1104

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-31.5-2-9.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2017]: **Sec. 9.5. "Adulterant", for purposes**
4 **of IC 35-43-5, has the meaning set forth in IC 35-43-5-19.5(a).**
5 SECTION 2. IC 35-31.5-2-224, AS AMENDED BY P.L.185-2013,
6 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2017]: Sec. 224. (a) "Owner", for purposes of IC 35-43-1-3,
8 has the meaning set forth in IC 35-43-1-3(a).
9 (b) "Owner", for purposes of IC 35-48-3, has the meaning set forth
10 in IC 35-48-3-1.5.
11 (c) "Owner", for purposes of IC 35-49, has the meaning set forth in
12 IC 35-49-1-6.
13 (d) **"Owner", for purposes of IC 35-43-5-19.5, means any person**
14 **with an ownership interest or right to profit in a business.**
15 SECTION 3. IC 35-31.5-2-322.5 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2017]: **Sec. 322.5. "Synthetic urine", for**

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purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-19.5(b).

SECTION 4. IC 35-43-5-19.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 19.5. (a) As used in this section, "adulterant" means any substance that is added to human urine for the purpose of defrauding an alcohol, drug, or urine screening test. The term includes the following substances:**

- (1) Bleach.
- (2) Chromium.
- (3) Creatinine.
- (4) Detergent.
- (5) Glutaraldehyde.
- (6) Glutaraldehyde/squalene.
- (7) Hydrochloric acid.
- (8) Hydroiodic acid.
- (9) Iodine.
- (10) Nitrite.
- (11) Papain/papaya proteinase I.
- (12) Peroxidase.
- (13) Peroxide.
- (14) Potassium dichromate.
- (15) Potassium nitrite.
- (16) Pyridinium chlorochromate.
- (17) Sodium nitrite.

(b) As used in this section, "synthetic urine" means any substance that is designed to simulate the:

- (1) composition;
- (2) chemical properties;
- (3) physical appearance; or
- (4) physical properties;

of human urine for the purpose of defrauding an alcohol, drug, or urine screening test.

(c) An owner who knowingly or intentionally distributes, keeps, offers for sale, sells, delivers, or finances the delivery of:

- (1) an adulterant; or
- (2) synthetic urine;

with the intent to defraud or assist an individual in defrauding an alcohol, drug, or urine screening test commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.

(d) Evidence of intent to defraud an alcohol, drug, or urine



1 screening test under subsection (c) includes, but is not limited to,
2 one (1) or more of the following occurrences:

3 (1) Instructions on how to defraud an alcohol, drug, or urine
4 screening test accompany the distribution, marketing, sale, or
5 transportation of the adulterant or synthetic urine.

6 (2) The price of the adulterant or synthetic urine is
7 substantially higher than the price of competing goods being
8 distributed, marketed, sold, or transported for lawful and
9 legitimate purposes.

10 (3) Evidence of clandestine distribution, marketing, sale, or
11 transportation of the adulterant or synthetic urine exists.

12 (4) A heating device, compound, or element accompanies the
13 distribution, marketing, sale, or transportation of the
14 adulterant or synthetic urine.

15 (5) Any other evidence indicative of an intent to defraud an
16 alcohol, drug, or urine screening test is present.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1104, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 3 through 5, begin a new paragraph and insert:

"SECTION 4. IC 35-43-5-19.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:".

Page 2, delete line 6.

Page 2, line 7, delete "1." and insert "**19.5**".

Page 2, line 7, delete "chapter," and insert "**section**".

Page 2, line 9, after "test." insert "**The term includes the following substances:**".

Page 2, delete line 10.

Page 2, line 28, delete "Sec. 2." and insert "**(b)**".

Page 2, line 28, delete "chapter," and insert "**section**".

Page 2, delete lines 36 through 42, begin a new paragraph and insert:

"(c) An owner who knowingly or intentionally distributes, keeps, offers for sale, sells, delivers, or finances the delivery of:

(1) an adulterant; or

(2) synthetic urine;

with the intent to defraud or assist an individual in defrauding an alcohol, drug, or urine screening test commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section."

Page 3, delete lines 1 through 5, begin a new paragraph and insert:

"(d) Evidence of intent to defraud an alcohol, drug, or urine screening test under subsection (c) includes, but is not limited to, one (1) or more of the following occurrences:"

Page 3, delete lines 6 through 7.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1104 as introduced.)

WASHBURN

Committee Vote: yeas 11, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1104 be amended to read as follows:

Page 1, line 4, delete "IC 35-46-10," and insert "**IC 35-43-5**,".

Page 1, line 4, delete "IC 35-46-10-1." and insert "**IC 35-43-5-19.5(a)**,".

Page 1, line 13, delete "IC 35-46-10," and insert "**IC 35-43-5-19.5**,".

Page 2, line 1, delete "IC 35-46-10," and insert "**IC 35-43-5**,".

Page 2, line 2, delete "IC 35-46-10-2." and insert "**IC 35-43-5-19.5(b)**,".

(Reference is to HB 1104 as printed February 17, 2017.)

BEUMER

